United Nations A/HRC/28/G/9

General Assembly

Distr.: General
9 March 2015

Original: English

Human Rights Council
Twenty-eighth session
Agenda item 4
Human rights situations that require the Council's attention

Letter dated 26 February 2015 from the Permanent Representative of the Republic of Azerbaijan to the United Nations Office at Geneva addressed to the President of the Human Rights Council

I have the honour to transmit herewith a press release of the Permanent Mission of the Republic of Azerbaijan concerning the commemoration of the twenty-third anniversary of the Khojaly genocide in Azerbaijan.

I would be highly appreciative if you could kindly circulate the present letter and the annex thereto* as a document of the twenty-eighth session of the Human Rights Council under agenda item 4.

(*Signed*) Murad N. Najafbayli

Ambassador, Permanent Representative

* Circulated as received, in the language of submission only.

GE.15-04585 (E)

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Annex

[English only]

Commemoration of the twenty- third anniversary of the Khojaly Genocide

The most serious crimes of concern to the international community, such as war crimes, crimes against humanity and genocide, have been committed in the course of the ongoing aggression of the Republic of Armenia against the Republic of Azerbaijan. Today, Azerbaijan commemorates the twenty-third anniversary of the atrocious crimes committed against the civilians and defenders of the town of Khojaly, situated in the Nagorno Karabakh region of the Republic of Azerbaijan.

Late into the night of February 25, 1992 the town of Khojaly has become under the intensive fire from the towns of Khankendi and Askeran that already were occupied by the armed forces of the Republic of Armenia. At night from 25 to 26 February the armed forces of the Republic of Armenia supported by the ex-Soviet 366th regiment completed the surrounding of the town, which already isolated due to ethnic cleansing of Azerbaijani population. The joint forces have occupied the town which has been brought in rubbishes by heavy artillery shelling. After all 150 people defending the town were killed by overwhelmed fire and by superior forces of advancing army regiments, the remaining handful of the town's defendants provided a humanitarian corridor for several hundreds of the town's residents to escape from their homes. Under the heavy conditions, residents moved into the darkness of night to be met at the middle of the route by ambush of Armenian forces and militia. Several thousands of fleeing civilians were ambushed at several points and being shelled by bullet rain tried to find refuge in the near-by forests and mountains terrain. However, Armenian armed forces reached out unprotected civilians to slaughter some, finish off others, having some bodies mutilated and scalped as the notorious Karabakh war trophies.

In a few hours of night from 25 to 26 February, 613 civilians were killed including 106 women, 63 children. 1,275 inhabitants were taken hostage, while the fate of 150 persons remains un-known to this day. In the course of the genocide 487 inhabitants of Khojaly were severely maimed, including 76 children not yet of age. 6 families were completely wiped out, 26 children lost both parents, and 130 children one of their parents. Of those who perished, 56 persons were killed with especial cruelty: by burning alive, scalping, beheading, gouging out of eyes, and bayoneting of pregnant women in the abdomen.

The facts confirm that the intentional offences committed against the civilians in Khojaly constitute a crime of genocide. Thus, in accordance with II Article of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide 1948, "genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group. From this concept it is clear that "one of the abovementioned unlawful acts" and "specific intention" are the main elements of the crime of genocide. In the case of Khojaly the first element was killing and causing serious bodily or mental harm, as well as other above-mentioned acts. The specific

genocidal intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such was also present in the case of Khojaly, because the facts confirm that the intentional massacre of the civilians in Khojaly was directed at their mass extermination only because they were Azerbaijanis. Therefore, these facts confirm that intentional slaughter of the civilians in Khojaly town constitutes a crime of genocide that was committed by Armenia against Azerbaijanis.

The genocide in Khojaly, along with other grave crimes that have been committed in the course of the ongoing aggression of the Republic of Armenia against the Republic of Azerbaijan, entail the State responsibility of Armenia and the individual criminal responsibility of those who participated in those acts and their accomplices and accessories. This responsibility emanates from public international law and, more particularly, from the provisions of the abovementioned Convention and those of the Convention for the Protection of Human Rights and Fundamental Freedoms, to which both Armenia and Azerbaijan are parties.

In its judgement of 22 April 2010, the European Court of Human Rights arrived at an important conclusion with respect to the crime committed in Khojaly, qualifying the behaviour of those carrying out the incursion as "acts of particular gravity which may amount to war crimes or crimes against humanity". The European Court made in this regard the following observation, which leaves no doubt as to the question of qualification of the crime and ensuing responsibility for it:

"It appears that the reports available from independent sources indicate that at the time of the capture of Khojaly on the night of 25 to 26 February 1992 hundreds of civilians of Azerbaijani ethnic origin were reportedly killed, wounded or taken hostage, during their attempt to flee the captured town, by Armenian fighters attacking the town ..." (Judgement of the European Court of Human Rights of 22 April 2010, para. 87).

Armenian officials deny their responsibility for the crimes committed during the conflict, including against the population of Khojaly, airily falsifying facts and sharing their own interpretations of them, which deviate not only from reality but also from elementary logic. Nevertheless, even the subtlest propaganda will never manage to disprove the facts that speak of a situation diametrically opposite to that represented by the Armenian side.

Apart from the considerable information in possession of the law enforcement agencies of the Republic of Azerbaijan, the responsibility of Armenia is documented also by numerous independent sources and eyewitnesses of this genocide tragedy.

Western media reported with horror the killing of the innocent residents of Khojaly by indiscriminate Armenian gunfire and other brutal acts by invading troops (more information is available in document E/CN.4/2002/151).

In his cynical admission of culpability, Armenia's then-Defense Minister and current President, Serzh Sargsyan, was quoted by the British journalist Thomas de Waal, as saying, "before Khojaly, the Azerbaijanis thought that ... the Armenians were people who could not raise their hand against the civilian population. We were able to break that stereotype" (Thomas de Waal, Black Garden: Armenia and Azerbaijan through Peace and War (New York and London, New York University Press, 2003), p. 172)).

Author Markar Melkonian would later describe in his book how some residents of Khojaly had nearly reached safety after fleeing almost six miles but "Armenian soldiers chased them down". The soldiers, he continues, "then unsheathed the knives they had carried on their hips for so long, and began stabbing" (My Brother's Road: An American's Fateful Journey to Armenia (London and New York, I. B. Tauris, 2005), pp. 213-214).

In response to the Armenian side's gross misinterpretation of the 1992 Human Rights Watch (HRW)/Helsinki report's reference to the Khojaly events, the Executive

Director of that non-governmental human rights organization, in a letter of 24 March 1997 addressed to the Minister for Foreign Affairs of the Republic of Armenia, pointed out the following: "We place direct responsibility for the civilian deaths with Karabakh Armenian forces. Indeed, neither our report nor that of Memorial includes any evidence to support the argument that Azerbaijani forces obstructed the flight of, or fired on Azeri civilians" (the letter of the HRW Executive Director is available at the HRW website: (http://www.hrw.org/news/1997/03/23/response-armenian-government-letter-town-khojaly-nagorno-karabakh).

The overall assessment of the causes and consequences of the war unleashed by Armenia against Azerbaijan makes it absolutely clear that the intentional slaughter of the civilians and defenders of Khojaly was not an isolated or sporadic act, but was part of Armenia's widespread and systematic policy and practice of atrocities, at the core of which are odious ideas of racial superiority, ethnic differentiation and hatred. It should be also noted that the Khojaly massacre and other crimes committed against Azerbaijanis during the conflict have finally exploded the myth depicting Armenia as an eternal victim.

For more than 20 years the state of Azerbaijan has been carrying out systematic work to inform the world community of the Khojaly tragedy perpetrated by Armenian forces and to have it recognized on the international scene as genocide. In recent years, as part of the international campaign "Justice for Khojaly", numerous civil society institutions, youth and Diaspora organizations representing our compatriots together with government agencies have been carrying out productive activities in this area. The true face of the Armenian propaganda machine, built on lies and falsifications, is already being exposed, the global public opinion is beginning to perceive the truth about Khojaly. The Parliamentary Union of the Organization of Islamic Cooperation has recognized Khojaly crimes as "a massive crime against humanity" and urged its member-states to give an appropriate political and legal assessment to this tragedy. At the same time, this massacre has been recognized by the parliaments of 7 countries and 17 states of the USA as a crime against humanity and an act of genocide.

The Republic of Azerbaijan considers any racial discrimination and hostility on ethnic and religious grounds, regardless of where they occur, as a crime against humanity. The Government of the Republic of Azerbaijan is striving to pursue activities for an objective assessment to be given to the Khojaly genocide and to the Armenian occupation of Azerbaijani territories, and to restore historical and legal justice. There can be no long-term and sustainable peace without justice. This requires consistent commitment by States towards their obligations to prosecute those responsible for breaches of international humanitarian law and international human rights law.

The Government of Azerbaijan is confident that consistent measures being taken at the national level, as well as the existing legal framework of prosecution of and punishment for the most serious crimes of concern to the international community, will serve to end impunity for the crimes in Khojaly and other grave offences committed in the course of the aggression of Armenia against Azerbaijan. Ending impunity is essential not only for the purposes of individual criminal responsibility for serious crimes, but also for peace, truth, reconciliation and the rights of the victims.

United Nations A/HRC/28/G/10

General Assembly

Distr.: General
11 March 2015

Original: English

Human Rights Council
Twenty-eighth session
Agenda item 4
Human rights situations that require the Council's attention

Letter dated 26 February 2015 from the Permanent Representative of the Republic of Azerbaijan to the United Nations Office at Geneva addressed to the President of the Human Rights Council

I have the honour to transmit herewith the appeal to the world's religious leaders, parliaments and international organizations and the European Court of Human Rights made by Sheikh-ul Islam Allahshukur Pashazadeh, the Chairman of the Caucasus Muslim Board, Alexander, the Archbishop of Baku and Azerbaijan, Melih Yevdayev, the Head of the Community of Mountain Jews in Azerbaijan and the Ordinary Vladimir Fekete, the Head of the Catholic Community in Azerbaijan.

I would be highly appreciative if you could kindly circulate the present letter and the annex thereto* as a document of the twenty-eighth session of the Human Rights Council under agenda item 4.

(*Signed*) Murad N. Najafbayli

Ambassador, Permanent Representative

* Submitted in Azerbaijani, English and Russian. Reproduced as received in English and Russian only.

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Annex

[English and Russian]

Appeal to the world's religious leaders, parliaments and international organizations and the European Court of Human Rights

In The Name of The Great Creator!

Expressing the will and the feelings of millions of the people of Azerbaijan, on the eve of the 23rd commemoration of the Genocide committed against the Azerbaijani town of Khojaly, we appeal to the World Community, regardless of the religious, language, race or ethnic identity. No any Nation, no Religion can justify those outrage cruel crimes that are incompatible with universal values as violence, murder and aggression. It is a Historical fact that over the night from 25th to 26th of February, 1992, thousands of unarmed and defenseless peaceful people of Khojaly were unexpectedly and brutally attacked by Armenian aggressors. 613 civilians were murdered with exceptional cruelty, with no mercy even to children, elderly people and pregnant women. As a result, Khojaly was wiped out of the ground, while 150 people were missing, 1275 civilians captured and severely tortured, unthinkable atrocity was committed on the bodies of brutally murdered people. Armenian extremists, intermittently committing ethnic cleansings as well as acts of physical and moral terror against the people of Azerbaijan, have invaded 20 percent of our territories, banished more than one million Azerbaijanis from their home places. They carried out acts of vandalism in the Land of Karabakh to destroy our historical, religious and cultural monuments and relics. The premeditated genocide committed in Khojaly became a culmination of all these atrocities.

Unfortunately, despite it has been over 20 years since adoption of UN Security Council Resolutions calling for the unconditional withdrawal of Armenian invaders from the occupied Azerbaijani territories, they did not obeyed till today, while the Armenian terrorists remain unpunished for the crimes they have committed. In its turn, such impunity provokes recurrence of new crimes.

Today, a number of the countries and international organizations have already recognized Khojaly tragedy as the act of Genocide. Azerbaijan's dedicated policy on reinstatement of the verity and the historic justice, as well as special activities carried out with the support of the World's Azerbaijanis and various Public Organizations, including the "Justice for Khojaly" campaign, are playing an important role in spreading the Truth at the international level.

Above all, despite a whole century have passed over those occurrences which were never been supported on international level by real historical facts, but Armenian aggressors are still trying to politicize them by imposing their false propaganda of the genocide. Efforts to impose that fictitious 'Armenian genocide', to present the genocide executors as "genocide victims" and commemorate anniversaries of that false genocide are nothing, but falsification of the History for political reasons. Those, who patronize those false claims should know, that sooner or later the Verity will vanquish and the Justice will be set! We, the Religious Leaders of different faith, keep the dear memory of all people fallen killed in Karabakh, the integral part of our homeland Azerbaijan, as well as in the town of Khojaly, and wish Peace, Prosperity and Fortune to all the People of the World. Each one of us, we have a sacred duty before The Lord and the Mankind to achieve the Triumph of Justice. Therefore, once again we appeal to the World's Religious Leaders, the

Parliaments and the International Organizations, to the European Court of Human Rights and call to stop the Armenian aggression against Azerbaijan, to give a principled political and legal assessment of the criminal acts, to punish the committers of the crimes and to recognize the Khojaly massacre as the Genocide. May the Great Creator help us in fair deeds!

Sheikh-ul Islam Allahshukur Pashazadeh
Chairman of Caucasus Muslims` Board

Alexander
Archbishop of Baku and Azerbaijan

Melih Yevdayev
Head of the Community of Mountain Jews in Azerbaijan

The Ordinary Vladimir Fekete
Head of the Catholic Community in Azerbaijan

Обращение к религиозным лидерам, парламентам, международным организациям и в Европейский суд по правам человека

Именем Единого Творца!

В канун 23-й годовщины геноцида, совершенного в отношении мирных жителей азербайджанского города Ходжалы, выражая волю и чувства миллионов азербайджанцев, мы обращаемся ко всей мировой общественности, ко всем людям доброй воли, вне зависимости от религиозной, языковой, расовой и национальной принадлежности. Мы обращаемся, будучи уверенными, что нет, и не может быть такого народа, такой религии, которые оправдали бы противоречащие общечеловеческим ценностям преступления - насилие, убийства, агрессию.

Факты свидетельствуют, что в ночь с 25 на 26 февраля 1992 года тысячи мирных, безоружных и беззащитных жителей Ходжалов были внезапно и жестоко атакованы армянскими вооруженными формированиями. В результате не были пощажены ни старики, ни дети, ни даже беременные женщины, 613 человек были с особой жестокостью умерщвлены, 150 жителей пропали без вести, 1275 человек захвачены в плен и подверглись жестоким пыткам, над трупами были совершены, не укладывающиеся в нормальном сознании действия, а сам город был стерт с лица Земли.

Армянские экстремисты, осуществлявшие на протяжении истории в отношении азербайджанского народа политику этнических чисток, материального и морального террора оккупировали 20 процентов наших исконных земель, обратили в беженцев и вынужденных переселенцев более миллиона наших соотечественников, проводя на захваченных карабахских землях акты вандализма, уничтожают памятники нашей истории, религии и культуры. В этой череде зверств учиненное в Ходжалах стало кульминационной точкой.

Вызывает сожаление, что, несмотря на прошедшие с того времени более чем двадцать лет, до сих пор преступления армянских террористов остаются безнаказанными, четыре известных резолюции Совета Безопасности ООН, призывающие безоговорочное освобождение захваченных азербайджанских земель все еще не выполнены. Нельзя забывать, что подобная безнаказанность, цепной реакцией порождает аналогичные преступления.

Вместе с тем, в результате целенаправленной политики, осуществляемой азербайджанским государством и общественными организациями по восстановлению исторической справедливости, осуществляемых мероприятий, в том числе компании «Справедливость Ходжалам», проводимыми в жизнь азербайджанцами во всем мире, распространение правды об Азербайджане, раскрытие истинного лица захватчика привели к тому, что ряд государств мира и международных организаций уже признали трагедию в Ходжалы актом геноцида.

Но даже на фоне описываемого, страна агрессор склонна с упорством, достойным лучшего применения, политизировать на международной арене некоторые, причем не опирающиеся на исторические факты события вековой давности. Поэтому настойчивое проведение очередной годовщины «жертв» надуманного, исторически не подтвержденного «геноцида» армян, является ничем иным, как фальсификацией истории ради политической конъектуры. Однако покровительствующие подобным фальсификаторам истории должны знать, что рано или поздно, правда восторжествует и справедливость возьмет верх!

Мы, живущие в Азербайджане деятели различных религиозных конфессий, желаем всем народам мира, счастья и процветания ради неотъемлемой части Азербайджана – Карабаха, ради памяти невинных мучеников Ходжалы.

Каждый из нас в священном долгу перед Создателем, перед человечеством за восстановление попранной справедливости. И поэтому мы вновь, обращаясь к религиозным лидерам, парламентам, международным организациям, в Европейский суд по правам человека, призываем сделать все возможное для прекращения армянской агрессии против азербайджанского народа, дать принципиальную политическую, юридическую оценку его преступным действиям и признать массовую бойню, учиненную в Ходжалы, как акт геноцида. Да поможет всем нам Всевышний Создатель в благих деяниях. Аминь!

Шейх-уль-ислам Аллахшукюр Паша-заде
председатель Управления мусульман Кавказа

Архиепископ Александр Ищеин
глава Бакинской и азербайджанской Епархии РПЦ

Мелих Евдаев
руководитель общины горских евреев Азербайджана

Владимир Фекете
настоятель католической церкви Баку

United Nations A/HRC/28/G/11

General Assembly

Distr.: General
11 March 2015

Original: English

Human Rights Council
Twenty-eighth session
Agenda item 4
Human rights situations that require the Council's attention

Letter dated 20 February 2015 from the Permanent Representative of the Republic of Azerbaijan to the United Nations Office at Geneva addressed to the President of the Human Rights Council

I hereby send you the press release of the Permanent Mission of the Republic of Azerbaijan to the United Nations Office and other international organizations in Geneva concerning the commemoration of the twenty-fifth anniversary of Black January in Azerbaijan.

I would be highly appreciative if you could kindly circulate the present letter and the annex thereto* as a document of the twenty-eighth session of the Human Rights Council under agenda item 4.

(*Signed*) Murad N. Najafbayli

Ambassador, Permanent Representative

* Circulated as received, in the language of submission only.

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Annex

[English only]

Commemoration of the twenty-fifth anniversary of Black January

Today is a Day of National Mourning in the Republic of Azerbaijan. Thousands of people are visiting Alley of Martyrs to commemorate the heroism of courageous sons and daughters of the Azerbaijani people perished on 20 January 1990 for the sake of freedom and independence.

20 January 1990 is a day, which went down in history of the struggle for the freedom and territorial integrity of Azerbaijan, as a heroism page. Deploying the military divisions of the Soviet army against wide mass who got out in the streets and squares of Baku for the independence of our country, had brought to the unprecedented tragedy in Azerbaijan. On that tragic night patriotic sons and daughters of our Motherland, for whom the country's freedom, honor and dignity was above anything else, sacrificed their own lives and became martyrs. Tragedy of January 20 brought to huge losses and deaths of innocent people, who could not stand the treacherous policy of the criminal Soviet authorities towards Azerbaijan. This tragedy demonstrated the struggle spirit, unbending character and pride of our nation, who intended to the freedom and independence.

Soviet authorities tried to conceal the scale of this tragic crime from its own people and the international community. However, the grave consequences of this operation were so obvious. As a result of the bloodshed in Baku 131 innocent civilians were killed, 611 people wounded, hundreds of people arrested. State of emergency was proclaimed in the capital of Azerbaijan which lasted more than a year.

The massacre perpetrated by the Soviet military machine in Azerbaijan was an act of unseen aggression and execution of citizens by its own state. It represented a flagrant breach of the Constitutions of the former USSR and Azerbaijan SSR. By sending troops to crush the civilian population on that day, the USSR government flouted the international law, including UN Charter, the Universal Declaration of Human Rights and the 1966 International Covenant on Civil and Political Rights of which it had been a party. This despicable act could not prevent the intention of Azerbaijani people to be independence from Soviet Union. As a result of brave struggle of the Azerbaijani people we restored our independence and Azerbaijan became a sovereign State. Today, Azerbaijani people by visiting and lying flowers on the graves of heroes are paying once again tribute to the victims of the 20th January tragedy. The life and struggle of the martyrs are the source of pride of today's and next generations. Thanks to their heroism, today, there is an independent Azerbaijani statehood among world nations. The sacred task of all Azerbaijanis is to defend and further strengthen the independence of the Republic of Azerbaijan gained at the expense of great sacrifices.

United Nations A/HRC/28/G/12

General Assembly

Distr.: General
20 March 2015
English
Original: Arabic

Human Rights Council
Twenty-eighth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Note verbale dated 10 March 2015 by the Permanent Mission of the Syrian Arab Republic to the United Nations Office and other international organizations in Geneva addressed to the President of the Human Rights Council

The Permanent Mission of the Syrian Arab Republic presents its compliments to the Secretariat of the Human Rights Council and has the honour to inform the President of the Human Rights Council that, in the context of the terrorist acts perpetrated continuously by terrorist armed groups such as the "Da`esh" organization, "the Nusra Front", "the Free Army" and "the Army of Islam" against the peaceful civilian citizens of the Syrian Arab Republic, terrorist groups belonging to the "Da`esh" organization launched terrorist assaults on the inhabitants of dozens of villages, including Tal Hermez, Tal Shamiram, Tal Rumman, Tal Nasri, Al-Aghibash, Touma Yelda, Al-Hawouz and Tal Kuran, and the town of Tal Tamr in the countryside of Hasaka Governorate, killing numerous innocent civilians and abducting about 200 civilians, including children and women. More than 690 families were displaced and the groups attacked places of worship and set fire to the historic church of Tal Hermez, which is considered to be one of the most ancient churches in Syria and the world as a whole. A list containing the names and other information concerning victims belonging to families from the above-mentioned villages in Hasaka Governorate and the outrages to which they were subjected by the terrorist organizations is attached hereto.

These crimes perpetrated against Syrian citizens are simply a continuation of the series of hideous crimes and human rights violations committed against the different components of the Syrian people. They constitute an attempt to sow discord, hatred and estrangement among the members of a single society, which has been renowned from ancient times for the deep-rooted traditions of harmony, affection and tolerance that have forged bonds between its different components. In the distant past, Syria and its people spread the alphabet to different parts of the world. They also spread religions to different regions of the world, bringing glad tidings of the messenger of love, Jesus Christ, and of the messenger of mercy, Muhammad (PBUH), the Seal of the Prophets. Christianity and Islam were propagated from Syria throughout the world with their messages of peace, mercy and love.

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These crimes add to the atrocities perpetrated by the armed terrorist groups, who set out to destroy religious sites, places of worship, tombs of holy men, the companions of the Prophet and Christian saints, and historical and cultural landmarks in Syria in order to inflict the greatest possible damage on the Syrian human heritage, its civilization, and the history and cultural identity of its people.

The Government of the Syrian Arab Republic emphasizes that these terrorist acts could not have been committed without the continuous provision of direct support, by States whose identity is known to all, to the terrorist organizations which are motivated by extremist ideologies. Syria considers that the international community and States that are opposed to terrorism, extremism and fanaticism have a duty to compel the States which support the blind terrorism that has been targeting Syria and its people for more than four years to stop providing them with financial support or support in the form of weapons, ammunition, training or information. They should also bring the necessary pressure to bear on States whose identity is well known to halt the flow of foreign terrorists into Syria. The international community must reaffirm its commitment to the fight against terrorism and against extremist terrorist organizations by engaging in full-scale cooperation and coordination in that regard with the Government of the Syrian Arab Republic, which stands firm against the spread of international terrorism, and by strictly implementing the relevant Security Council resolutions, particularly resolutions 2170 (2014) and 2199 (2015), which should not remain without effect.

In this context, the Government of the Syrian Arab Republic reaffirms that it is perfectly willing to engage in bilateral and multilateral cooperation with parties who are earnestly and sincerely committed to combating and eliminating terrorism with a view to averting the evils of blind terrorism and the horrors of extremism that post a threat to civilization.

The Permanent Mission of the Syrian Arab Republic requests the secretariat of the Human Rights Council to publish and circulate this note verbale in the official languages of the United Nations as a Human Rights Council document under item 3 of the agenda of the twenty-eighth session.

United Nations A/HRC/28/G/13

General Assembly

Distr.: General
18 March 2015

Original: English

Human Rights Council
Twenty-eighth session
Agenda item 4
Human rights situations that require the Council's attention

Letter dated 13 March 2015 from the Permanent Representative of the Republic of Armenia to the United Nations Office at Geneva addressed to the President of the Human Rights Council

I refer to the letter dated 26 February 2015 from the Permanent Representative of Azerbaijan to the United Nations Office at Geneva addressed to the President of the Human Rights Council (A/HRC/28/G/9).

Unfortunately it has become commonplace for the Permanent Mission of Azerbaijan to distribute periodically verbatim repetitions of unbridled propaganda of the authorities of Azerbaijan against my country, such as the letter circulated as a document of the nineteenth session of the Human Rights Council, which was then copied and pasted into a document of the twenty-second session, then of the twenty-fifth session, and now issued again at the twenty-eighth session.

The Republic of Armenia has already responded both verbally and by the circulation of information prepared by the Ministry of Foreign Affairs of the Nagorno Karabakh Republic (see A/HRC/19/G/10, A/HRC/22/G/16 and A/HRC/25/G/23) to the manipulation of the facts by the Government of Azerbaijan, which continuously misleads the international community, speculates on the memory of the victims and uses the tragic events of Khojaly in own political purposes, in every way to discredit the Armenian side.

We reiterate our position that the Human Rights Council is not the place to continuously deliver false statements, political speculation and distorted facts, nor to involve other States in endless sessions of mutual accusations on the basis of the principle that "a lie repeated continuously becomes the truth".

The military operation aimed at neutralizing the military base in Khojaly and lifting the blockade around the airport started on 25 February 25 1992 at 11.30 p.m., and ended on 26 February at 3 a.m. The units of the Nagorno Karabakh Republic self-defence forces left a humanitarian corridor for civilians to safely leave the zone of the military operations, of which the Azerbaijani side had been informed in advance. The corridor extended from the eastern end of Khojaly to the north-east, along the Karkar River and from the north end of the settlement to the north-east. However, the Azerbaijani authorities did nothing to evacuate the civilian population from the zone of military activities. The area, where

photographs were subsequently taken of the numerous bodies of the civilians killed, is situated three kilometres from the town of Aghdam and 11 kilometres from Khojaly. The area had been under uninterrupted control by Azerbaijani units until the fall of Aghdam in the summer of 1993, which excluded any access to that area for the units of the Nagorno Karabakh army.

Following the "logic" of the letter of the Permanent Representative of Azerbaijan, I would like to refer once again to the publications in the media, including Azerbaijani sources, of that period of time, presenting the truth about the events in Khojaly.

According to Azerbaijani journalist M. Safarogly, "Khojaly occupied an important strategic position. The loss of Khojaly was a political fiasco for Mutalibov".

A month after his resignation, Mutalibov gave an interview to Czech journalist Dana Mazalova, which was published in *Nezavisimaya Gazeta*. Speaking of Khojaly, Mutalibov noted:

> According to the Khojaly inhabitants who escaped, all this was organized to remove me. Some forces acted to discredit the President. I don't think that the Armenians, who act very skilfully and carefully in similar situations, could let the Azerbaijanis gain any documents exposing them in fascist actions [...] The general reasoning is that a corridor for the people to escape was really left by the Armenians. Then why did they need to fire? Especially in an area near Aghdam, where there were sufficient forces able to come out and help people.

About 10 years later, the former president of Azerbaijan confirmed his opinions in an interview with the magazine *Novoye Vremya*, saying that "the massacre of the inhabitants of Khojaly was obviously organized by somebody with the aim of a coup d'état in Azerbaijan".

The independent Azerbaijani cameraman Chingiz Mustafayev, who took pictures on 28 February and 2 March 1992, had doubts about the official Azerbaijani version and began his own inquiry. The journalist's very first report to the Moscow news agency D-press on the possible complicity of the Azerbaijani side in the crimes cost Mustafayev his life: he was killed not far from Aghdam, in circumstances yet to be explained.

The Azerbaijani human rights activist Arif Yunusov wrote in *Zerkalo Azerbaijani* in July 1992 that "the town and its inhabitants were deliberately sacrificed to political goals".

Mukhalifat Azerbaijani, a newspaper, reported on 28 April 1992 that Tamerlan Karaev, then the Chairman of the Supreme Soviet of the Azerbaijani Republic, had stated that "the tragedy was committed by the Azerbaijani authorities, specifically by a top official".

Heydar Aliev himself admitted that "the former leadership of Azerbaijan is also guilty" for the Khojaly events. Yet in April 1992, according to the Bilik Dunyasi news agency, he expressed an extremely cynical idea, saying "we will benefit from the bloodshed. We shouldn't interfere in the course of events".

Later, when representatives of the Popular Front came to power, the former Azerbaijani Minister for National Security, Vagif Guseynov, stated shortly before his arrest that "the events of January 1990 in Baku and the events in Khojaly are the doing of the same people," hinting at certain political figures from the Azerbaijani Popular Front (APF).

In February 2005, Azerbaijani journalist Eynulla Fatullaev from the independent magazine *Monitoring* spent 10 days in the Nagorno Karabakh Republic, describing his visit in his materials and interviews. He also dared to doubt the truthfulness of Baku's official version on the death of some inhabitants of Khojaly:

> Once, 10 years ago, I met with the Khojaly refugees temporarily living in Naftalan, who frankly told me that, a few days before the attack, the Armenians, with the help of loudspeakers, kept warning the population of the scheduled operation, suggesting that the civilians leave the settlement and break out of encirclement via a humanitarian corridor, along the Karkar River. Even according to the Khojaly people, they took advantage of this corridor and the Armenian soldiers on the other side of the corridor didn't really open fire at them. Getting acquainted with the geographical area, I can confidently say that the inventions on the lack of an Armenian corridor have no grounds. The corridor really existed; otherwise, the Khojaly people, fully encircled and isolated from the outer world, couldn't have broken out of the encirclement. But, having passed the area beyond the Karkar River, the refugees split up into groups and, for some reason, some of them made their way to Nakhijevanik. Apparently, the APF battalions sought more blood on their way to Mutalibov's removal rather than the liberation of the Khojaly inhabitants.

On 2 March 2005, a few days after the publication by *Monitor* of Eynulla Fatullaev's first report from Karabakh, the magazine editor, Elmar Guseynov, was shot at the entrance to his house in Baku by an unknown person. Eynulla Fatullaev was convicted on the basis of a series of accusations, including of high treason.

The former Minister for Defence of Azerbaijan, Ragim Gaziev, also confirmed that "a trap was prepared for Mutalibov in Khojaly". In this way, the organizers of the massacre of Khojaly inhabitants achieved two goals at the same time: they removed Mutalibov, who was no longer useful after the collapse of the Soviet Union; and they found a reason to launch a loud campaign accusing the Armenians of inhuman war methods. The fact that, since 13 February 1992, the Azerbaijani army had been systematically firing Grad rockets aimed at destroying the town of Stepanakert with its 55,000 inhabitants and other nearby Armenian settlements was ignored.

In an interview with the Helsinki Watch on 28 April 1992, a Khojaly woman said that "the Armenians delivered an ultimatum [...] that it was better for the inhabitants of Khojaly to leave the town with a white flag. Alif Gajiev, leader of the Khojaly defence, informed us about it on 15 February (10 days before the attack), but that didn't frighten either me or the rest. We didn't believe at all that they would be able to capture Khojaly."

After the warnings, however, the majority of the civil population of Khojaly, being informed of the planned operation, moved to a safe place. The mass migration of the Khojaly population was widely covered by Azerbaijani television and radio. The Azerbaijani mass media deliberately expressed a negative attitude to those leaving Khojaly, denigrating them constantly. We should note that Khojaly, which was turned into a town, was first left just by the people who had been forcedly moved there, mainly Meskhetian Turks, though they were constantly obstructed. Moreover, the municipal administration of Khojaly, which had been warned by the Armenian party, asked for assistance to evacuate the population, but in vain. The mayor of Khojaly, in an interview with the Moscow newspaper *Megapolis-Express*, stated that, "after getting the news on the expected operation for the capture of the town, I asked Aghdam to send helicopters for the evacuation of the elderly, the women and children. We were assured that an operation to break the encirclement was being prepared. But no assistance was provided." However, a board member of the Aghdam branch of the APF, R. Gajuev, stated "we could have helped the Khojaly people, having the right forces and abilities. But the republican leaders wanted to demonstrate to the people that they had no forces, wishing to call upon the CIS Army again to help also to suppress the opposition with its support."

Summarizing the above-mentioned, we can state that the inhabitants of Khojaly became hostage to the dirty games of the Baku authorities, who later turned this tragedy

into political capital for manipulations. By regularly launching the issue of Khojaly, Baku tries to draw the attention of the international community away from the massacres of its own citizens of Armenian origin in Sumgait, Baku, Kirovabad, Khanlar and other settlements of Azerbaijan, in the whole territory of which open extermination of Armenians had actually been carried out long before the beginning of military actions. It also took place in the borderline settlements of the Nagorno Karabakh Republic, in particular in Maragha village where, in April 1992, the invading subunits of the Azerbaijani regular army fiercely killed about 100 civilians.

Unfortunately, these cases were completely forgotten and passed over with silence in the letter of the Permanent Representative of Azerbaijan.

I am glad that the Azerbaijani side has studied the Convention on the Prevention and Punishment of the Crime of Genocide, and found out the meaning of the term genocide. I hope the Mission of Azerbaijan has also studied the etymology and the history of the creation of this term, by Raphael Lemkin, who, while defining the crime of genocide, referred to the very policy of mass extermination perpetrated against the Armenians in Ottoman Turkey. This knowledge will definitely be helpful for the Azerbaijani authorities when they are held accountable before their people and hopefully face trial for the crimes committed by them against the Azerbaijani population of Khojaly.

I would appreciate it if you could circulate the present letter as a document of the twenty-eighth session of the Human Rights Council under agenda item 4.

(*Signed*) Charles Aznavour

Ambassador, Permanent Representative

United Nations A/HRC/28/G/14

General Assembly

Distr.: General
18 March 2015

Original: English

Human Rights Council
Twenty-eighth session
Agenda item 4
Human rights situations that require the Council's attention

Letter dated 16 March 2015 from the Permanent Representative of the Republic of Armenia to the United Nations Office at Geneva addressed to the President of the Human Rights Council

I have the honour to transmit herewith the press release of the Permanent Mission of the Republic of Armenia on the commemoration of the twenty-seventh anniversary of the brutal massacre of the Armenian population of Sumgait, Azerbaijan (see annex).

I would appreciate it if you could circulate the present letter and the annex thereto* as a document of the twenty-eighth session of the Human Rights Council under agenda item 4.

(*Signed*) Charles Aznavour

Ambassador, Permanent Representative

* Circulated as received, in the language of submission only.

GE.15-05523 (E)

1505523

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Annex

[English only]

Twenty-seventh anniversary of the Sumgait pogroms

In 1988 the people of Nagorno Karabakh, respecting all the existing legal norms and employing exclusively popular means to express their will, raised their voice in defense of their rights and freedom.

Every effort to discuss the dispute in a civilized fashion was followed by an increase of violence, massive and widespread disregard of the Armenian population's rights, economic blockade, etc. Hundreds of kilometres from the Nagorno Karabakh, massacres and mass murders of Armenians were organized in Azerbaijani cities - Sumgait, Baku, Kirovabad, Shamkhor, and later throughout Azerbaijan.

Tragic events in the Azerbaijani town of Sumgait were preceded by a wave of anti-Armenian demonstrations and rallies throughout Azerbaijan in February 1988. Pogroms, beatings, and massacres of Armenians in Sumgait, situated a half an hour from Baku, was carried out at daytime.

The peak of crimes committed by the Azerbaijani authorities fell on February 27-29. Almost the entire town became an arena for unhampered pogroms of the Armenian population. The pogrom-makers burst into the apartments of Armenians, having prepared lists of Armenian inhabitants in their hands. They were armed with metal switches (pieces of armature) and stones. Axes, knifes, bottles and fuel cans were used as well. According to many eyewitnesses, around 50-80 people participated in the raid of one apartment alone. Similar crowds committed outrages in the streets. The significant part of numbers killed were burnt alive after suffering beatings, tortures, and rapes. Hundreds of innocent people received injuries of different grades and became disabled. There were over two hundred smashed apartments, numerous burnt and broken cars, dozens of destroyed workshops, shops and kiosks. The result of the of the pogroms were thousands of refugees.

The tragic events of Sumgait in late February of 1998, never received adequate political evaluation, and its organizers and the main executors not only escaped punishment, but their names remain unknown to the world. However, documents, testimonies and other facts allow one to draw a well-defined conclusion: the pogroms were masterminded and carried out on a high state level, and its main organizers and executors were the Soviet Azerbaijani leadership of the time and were connected to various nationalistic pro-Turkish circles. This was expressed in the Moscow magazine "Znamya" (No 6, 1989) by informed public figure George Soros, who agreed to the fact that the first Armenian pogroms in Azerbaijan were inspired by the local mafia led by the president of Azerbaijan, Heydar Aliyev.

An Azerbaijani witness, S. Guliyev, testified to the reactions of authorities: "Near the windows of a militia point a man was beaten. The militia gave the town to be torn to pieces. The militia was not in town. I didn't see it".

From the report of the Moscow Human Rights Center of the "Memorial" Association:

"On February 27-29, 1988, the pogroms of the Armenians occurred in Sumgait, situated on the territory of Azerbaijan near the city of Baku, which were accompanied by mass violence, robberies, and massacres, which led to the flow of refugees from Sumgait to Stepanakert and Armenia. No timely investigation of the circumstances of pogroms,

determination and punishment of the guilty ones were carried out, which led to the escalation of the conflict".

A. Sakharov, who was shocked by the events in Sumgait, wrote: "No half measures, no talks about friendship of peoples can calm down the people. If someone doubted this before Sumgait, then after this tragedy no one has the moral right to insist on maintaining NKAO under the territorial jurisdiction of Azerbaijan".

United Nations A/HRC/28/G/15

General Assembly

Distr.: General
31 March 2015

Original: English

Human Rights Council
Twenty-eighth session
Agenda items 2 and 3
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Note verbale dated 13 March 2015 from the Permanent Mission of the Republic of Singapore to the United Nations Office at Geneva and other international organizations in Switzerland addressed to the secretariat of the Human Rights Council

The Permanent Mission of the Republic of Singapore to the United Nations Office at Geneva and other international organizations in Switzerland presents its compliments to the secretariat of the Human Rights Council, and has the honour to refer to the attached joint statement, which was delivered on 4 March 2015 at the biennial high-level panel discussion on the question of the death penalty, at the twenty-eighth session of the Human Rights Council (see annex).

The Mission has the further honour to request on behalf of the permanent missions of Bahrain, Bangladesh, Barbados, Brunei Darussalam, China, the Democratic People's Republic of Korea, Egypt, India, Indonesia, the Islamic Republic of Iran, Kuwait, the Lao People's Democratic Republic, Malaysia, Myanmar, Oman, Pakistan, Qatar, Saudi Arabia, Singapore, the Sudan, the Syrian Arab Republic, Uganda, the United Arab Emirates, Viet Nam and Yemen that the joint statement* be circulated as a document of the twenty-eighth session of the Human Rights Council under agenda items 2 and 3.

* Reproduced as received, in the language of submission only.

Annex

[English only]

Joint statement at the biennial high-level panel discussion on the question of the death penalty on 4 March 2015, at the twenty-eighth session of the Human Rights Council

Mr President

I have the honour to deliver this statement on behalf of a group of 25 countries.

Any constructive dialogue must be based on mutual respect and an acknowledgement of different viewpoints. Yet, we find ourselves here again today engaging not in dialogue, but speaking across each other.

For many countries, the death penalty remains an important component of their criminal justice system and an important deterrent against what they rightly regard as the most serious crimes for their respective societies, be it terrorism, drug offences, or violent crimes.

The rights of the offender must always be weighed against the rights of the victims, their families and the broader rights of their community to live in peace and security. The State has a responsibility to protect the lives of its innocent citizens while ensuring that justice is rendered to the victims and their families. The death penalty is only applied after adhering to the full due process of law, pursuant to a final judgment rendered by a competent court, and with the right to seek pardon or appeal for commutation.

There is no international consensus for or against the death penalty imposed according to the due process of the law. This has repeatedly been affirmed by the votes on past UNGA resolutions on the death penalty, most recently in the 69th session. Key international instruments that apply to countries with wide divergence in cultures and values also do not proscribe and/or prohibit the use of death penalty.

The UN Charter clearly stipulates that nothing in its Charter shall authorise the UN to intervene in matters which are essentially within the domestic jurisdiction of any State. In this regard, in line with the UN Charter, no State shall intervene in such matters of other States.

Every State thus has the inalienable sovereign right to choose its legal and criminal justice systems, without interference by other States. Accordingly, the question of whether to retain or abolish the death penalty and the types of crimes for which the death penalty is applied should be determined by each State and the public they protect, taking into account their unique circumstances and threats to their societies.

Thank you, Mr President.

List of co-sponsors

1. Kingdom of Bahrain
2. People's Republic of Bangladesh
3. Barbados
4. Brunei Darussalam

5. People's Republic of China
6. Democratic People's Republic of Korea
7. Arab Republic of Egypt
8. India
9. Republic of Indonesia
10. Islamic Republic of Iran
11. State of Kuwait
12. Lao People's Democratic Republic
13. Malaysia
14. Republic of the Union of Myanmar
15. Sultanate of Oman
16. Islamic Republic of Pakistan
17. State of Qatar
18. Kingdom of Saudi Arabia
19. Republic of Singapore
20. Republic of the Sudan
21. Syrian Arab Republic
22. Republic of Uganda
23. United Arab Emirates
24. Socialist Republic of Viet Nam
25. Republic of Yemen

United Nations A/HRC/28/G/16

General Assembly

Distr.: General
30 March 2015

Original: English

Human Rights Council
Twenty-eighth session
Agenda item 2
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Note verbale dated 20 March 2015 from the Permanent Mission of the Republic of Turkey to the United Nations Office at Geneva and other international organizations in Switzerland addressed to the Office of the United Nations High Commissioner for Human Rights

The Permanent Mission of the Republic of Turkey to the United Nations Office at Geneva and other international organizations in Switzerland presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and has the honour to convey a copy of a letter dated 12 February 2015 by the Minister of Foreign Affairs of the Turkish Republic of Northern Cyprus, Özdil Nami (see annex), which reflects the Turkish Cypriot views on the "report of the Office of the High Commissioner on the question of human rights in Cyprus (A/HRC/28/20) submitted to the Human Rights Council at its twenty-eighth session.

The Permanent Mission of the Republic of Turkey would appreciate it if you could circulate the present note verbale and the annex thereto* as a document of the twenty-eighth session of the Human Rights Council.

* Reproduced as received, in the language of submission only.

GE.15-06654 (E)

1506654

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Annex

[English only]

I have the honour to refer to the Report of the Office of the United Nations High Commissioner for Human Rights on the question of human rights in Cyprus (A/HRC/28/20) which was circulated on 23 January 2015 and to bring to your kind attention the following facts and considerations:

With reference to the inclusion of recent developments to the "Introduction" section of the Report, which tries to reflect the situation in the Island, it is necessary to elaborate on various points which require clarification.

At the outset, I would like to stress that Paragraph 5 of the report poses the risk of reflecting the reasons behind the suspension of the talks solely from the Greek Cypriot perspective.

As you would recall, negotiations on the Island between the two sides resumed on 11 February 2014 with the Joint Declaration agreed upon by the two Leaders. However, the comprehensive settlement in Cyprus have suffered a setback since the Greek Cypriot leader Mr. Anastasiades decided on 6 October 2014 to suspend his participation in the negotiations citing the disagreement on the hydrocarbon issue. The Greek Cypriot side's decision to withdraw from the negotiations proves the lack of sincerity on the part of the Greek Cypriot leadership particularly at a time of critical juncture when the two parties had decided to move into the next phase of negotiations where they would be able to make real progress through real negotiations.

The Turkish Cypriot people, as one of the two equal partners on the island of Cyprus, have equal and inherent rights over the existing natural resources within the maritime jurisdiction area of the Island, and that they have as much of a say as the Greek Cypriot leadership over all decisions to be taken regarding the exploration, exploitation and exportation of the hydrocarbon reserves.

As the Turkish Cypriot side, we are of the firm belief that all work related to the assessment of the natural resources around the Island, which belong equally to both communities, should be conducted in cooperation between the two sides on the basis of the principle of fairness and equity. To this end, the Turkish Cypriot side's proposals made in 2011 and 2012, which aim at creating a culture of cooperation between the Turkish Cypriots and Greek Cypriots, are still valid and on the table.

While the Greek Cypriot side attempts to decouple the issue of the exploration and exploitation of natural resources from the comprehensive settlement negotiations, it uses the issue in order to justify its withdrawal from the negotiating table. This is a clear contradiction. The Turkish Cypriot side continues to be committed to structured, result-oriented negotiations as foreseen by the Joint Declaration of 11 February 2014, and expects Greek Cypriot side to immediately return to the negotiating table without any preconditions in order to resolve all outstanding issues, including the hydrocarbons issue. Therefore, the Turkish Cypriot side expects the future reports to encompass the position of the Turkish Cypriot side as well, in line with the United Nations principle of impartiality.

As regards the main body of the Report, it should be underlined, once again, that the references to the so-called "Government of the Republic of Cyprus" reflect neither the realities nor the legal position on the Island. Ever since the forcible expulsion of the Turkish Cypriot co-founding partner from the 1960 partnership Republic, there has been no

constitutional Government representing both peoples of the Island. The Turkish Cypriot people did not accept the forceful takeover of the partnership State by the Greek Cypriot side in 1963 and, through their decisive resistance, prevented the Greek Cypriot side from extending its authority over them. Hence, since December 1963, there has not been a joint central administration on the Island, capable of representing both peoples, either legally or factually. Each side has since ruled itself, while the Greek Cypriot side has continued to claim that it is the "Government of Cyprus".

The continuous references in the Report to the Turkish Cypriot authorities as "the de facto authorities in the northern part of the Island" are unacceptable and contradict to the established UN terminology. It should be born in mind that the UN Secretary-General and his Secretariat in New York deem it fit to acknowledge the realities on the Island and make reference to Turkish Cypriot authorities in official UN documents. Therefore, referring to the Turkish Cypriot authorities as "de facto" continues to seriously undermine the established UN parameters such as political equality of the two peoples and the principle of equal footing, on which the UN negotiation process rests, and therefore should be avoided.

References in Paragraphs 10 and 11, citing the declarations and reservations of Turkey in face of ratifications of International Convention on the Elimination of All Forms of Racial Discrimination and International Covenant on Civil and Political Rights, create the impression that Turkey has an authority and jurisdiction in Cyprus and that it prevents implementation of human rights in Cyprus. Bearing in mind that the only development during the reporting period has been the submission of 4th, 5th and 6th reports to the Committee on Elimination of All Forms of Racial Discrimination by Turkey, it is obvious that inclusion of these references in the report are irrelevant and does not have a place in a report which deals with human rights. Moreover, references to observations of human rights bodies which were made prior to the reporting period, constitute a factual error, as well as contradict with the United Nations principle of impartiality. We, therefore, expect the future reports to refrain from such references.

In Paragraph 15, where recent information is provided regarding the work of the Committee of Missing Persons (CMP), it is stated that "authorization to excavate a second military area was given by the Turkish Forces". Considering that it is a well-known fact by the United Nations and other relevant parties that the relevant counterpart in the North within the Committee of Missing Persons is the Turkish Cypriot authorities, referring to the "Turkish Forces" is a factual mistake. It should also be noted that there is already a reference to Turkish Cypriot authorities in the subsequent sentence of the said paragraph.

It is disappointing that the expectation of the Turkish Cypriot side, as in the previous year regarding inclusion of incidents of racist attacks towards the Turkish Cypriots by the Greek Cypriots under the subsection "Non-discrimination" has not been met. It is most crucial to share the relevant examples in this regard below:

The Greek Cypriot daily newspaper Filelefitheros reported on 2 September 2013 that Mr. Kirakos Kenevezos, the Greek Cypriot Minister of Education, had announced that the 2013-2014 education term in South Cyprus should include the notion of the Cyprus problem and also stated that it had been decided to name the slogan of the upcoming educational term as "I recognize, I don't forget, I demand." The Greek Cypriot Education Minister noted that this decision had been given due to the 40th anniversary of the 1974 Turkish peace operation in Cyprus and added that the necessary directive had been sent to all teachers. The newspaper reported that the decision of Mr. Kenevezos aimed at making the students recognize their country, not to forget the so-called "occupied territories" and to demand their "independence". The Greek Cypriot Ministry of Education had stated that the main objective of the education programme was to keep the memory of the so-called "occupied" cities and villages alive by trying to visualize their images.

This decision of the Greek Cypriot side is the most notable and the most significant example of the extent to which it can infuse the young brains with hatred and enmity.

It is a universally accepted fact that textbooks, in general, should not promote feelings of intolerance and animosity. In the case of Cyprus, it is imperative that all concerned should help promote the establishment of friendly and constructive relations between the two peoples on the Island necessary for creating an atmosphere conducive to a comprehensive settlement. In this spirit, the Turkish Cypriot side approaches the issue of textbooks with great sensitivity and has, in the past years, revised all its textbooks ensuring that they contain no elements of hatred or intolerance. However, it is unfortunate that the Greek Cypriot textbooks still contain material which are offensive to the Turkish Cypriots and which incite feelings of animosity amongst Greek Cypriot children towards Turkish Cypriots. Given the vital role of our youths in the future of the Island, one must acknowledge that such material should be eradicated from textbooks and replaced with materials conducive to tolerance and reconciliation.

The Greek Cypriot newspaper, Politis, reported on 18 January 2014 that a 16 year-old student of Limassol Technical School was beaten by 6 of his fellow students and hospitalized on Thursday, 16 January, for distributing brochures written in Turkish at an event which took place within the framework of a bi-communal trip to Troodos. The trip was organized by EDON, the Youth Wing of the Greek Cypriot political party AKEL. It is also reported that the incident was notified to the police but that the police remained inactive, claiming that a complaint was not issued by the student. The incident was described as an act of fascism by AKEL, which also pointed out that such incidents are no longer isolated and should not remain unpunished. EDON, which also made a statement following the incident, is reported to have expressed that it was shocking that the Greek Cypriot administration remained passive in the face of such occurrences. Despite such statements condemning this act, it is apparent once again that the authorities of South Cyprus refrain from taking any measures to prevent or punish such despicable acts of violence which stem from hatred towards Turkish Cypriots, even among the younger generation.

The rise in ethnically motivated attacks on Turkish Cypriots and people of other nationalities is also a major source of concern in South Cyprus. The most striking example of these racially motivated incidents is the attack against the Former Turkish Cypriot President Mehmet Ali Talat, on 26 March 2014, at a conference held in Limassol, South Cyprus. Turkish and Greek Cypriot press reports stated that more than a hundred members of the far-right ELAM organization burst into the conference hall where Mr. Talat was present as a speaker at a panel at which the US Ambassador on the Island was also present, high level Greek Cypriot officials, academics and officials from the European Commission.

In light of the aforementioned facts and examples, it is relevant to note that even the Greek Cypriot press has been reporting on the increase in racist tendencies in South Cyprus over time. According to a study which was published in Fileleftheros newspaper in March 2014, the Anti-Racism Unit of the Greek Cypriot Ombudsman reported that over the period of time, there had been a distinct increase in racism and animosity towards foreigners. Mr. Aristos Chartas, President of the Unit, reported that from 2004 to 2013, a total of 1,273 racism-related complaints were lodged to the unit. Mr. Chartas was also reported stating that in the year 2012 alone, among the 125 people who filed complaints, 53 were European citizens, 36 were third country nationals, 25 were Greek Cypriot, 10 were Turkish Cypriot and 1 was a person who had acquired Greek Cypriot citizenship. According to the study, Chartas further specified that among the same 125 complaints, 85 were incidents related to discrimination based on ethnic origin, 13 on gender, 5 on religious affiliation, 5 on disability, another 5 on age, 4 on sexual orientation, 1 on language and 6 on more than one of the abovementioned combined. Similarly, Greek Cypriot daily Haravgi newspaper also

published an article entitled "Incidents of Racism are Increasing", stating that the economic crisis conditions and unemployment in South Cyprus were causing an increase in racially motivated incidents, that such incidents had been occurring on a daily basis and that they were being perpetuated by extreme right-wing fascist groups.

Most recently, the Turkish Cypriot and Greek Cypriot media reported that a Greek Cypriot footballer - Dimitris Vasiliu, who has come under fire in the recent days for being transferred to Değirmenlik football team in North Cyprus, has been declared a traitor in South Cyprus. First reactions against the footballer appeared in the social media. Later some Greek Cypriot fanatics invaded Vasiliu's home and shouted 'Traitor Dimitris'. Greek Cypriot police had to disperse the crowd from Vasiliu's home. In his statement, Dimitris Vasiliu said that he is not a traitor and he wants to be a 'peace envoy' for paving the way for uniting football in the Island. Vasiliu who gave an interview to the Greek internet newspaper 'gazetta.gr', said "I admit sincerely that if I knew that my transfer would make such a fuss, I would not have transferred. I wanted to go there only to play football, football is my hobby, I love football and do not want to give up football". Vasiliu said that he was welcomed in North Cyprus but he and his family were insulted, accused and had rough times in the South.

The Greek Cypriot daily Filelefiheros s news item is shocking. It reported that after the news about his transfer to Değirmenlik Sports Club broke out and caused heavy criticisms, Vasiliu who works in a public economic enterprise in South Cyprus was asked to make an explanation. Furthermore Filelefiheros reported that, Marios Lefkaritis, Co-chairman of UEFA and Honorary President of Greek Cypriot Football Federation (KOP), was very annoyed by Vasiliu's transfer to Değirmenlik football team and said that it was totally unacceptable, and such actions were forbidden until a solution to the Cyprus problem is achieved. On the other hand, Emirali Öztüccar, the Chairman of Değirmenlik Football Club stated that the Club transfered Vasiliu to support the process going on between the two sides' football federations in order to unite football in the Island. Öztüccar expressed his wishes that the tension would end and that Vasiliu play in their team.

Most recently, the well-known Greek Cypriot fascist youth organisation ELAM (National Popular Front) initiated a protest on 15 November 2014 on the occasion of the 31st anniversary of the establishment of the Turkish Republic of Northern Cyprus, during which banners bearing hateful slogans were carried and the Turkish Cypriot flag was burned by the protestors. Protestors also threw stones to the North across the Ledra Palace border, demonstrative of the utter intolerance of the existence of the TRNC by Greek Cypriot youths.

With regards to the healthcare of the Greek Cypriot and Maronite residents in the North, we welcome the inclusion in paragraph 25 of the current healthcare situation in our country.

The most recent developments regarding religious freedom which are reflected in paragraph 38 is testimony to the good-will of the Turkish Cypriot side on the issue of religious freedom. However, as regards the names of the new sites opened for worship in the North, it is observed that the name of Church of Ayia Marina in Değirmenlik/Kythrea is omitted from the Report.

I wish to bring to your kind attention the procedure followed by the Turkish Cypriot side in face of the claims in Paragraph 40 that the Turkish Cypriot side did not approve several requests to hold religious services in certain religious sites. The Turkish Cypriot side evaluates the requests based on four conditions: firstly, the day of the requested service to be a religiously significant day; secondly, the physical condition of the religious site should be suitable to host a religious service; thirdly, the site should not already be in use as a cultural facility and lastly, the religious site should not be situated in a military zone.

Nonetheless, the Turkish Cypriot side grants utmost importance to facilitate all requests possible and continues to facilitate requests to hold services at three churches situated in military zones.

It is also important to remind that the Turkish Cypriot side established a mechanism where permission is readily granted when the right channels are followed. According to the established practice, Maronites and Greek Cypriots residing in the TRNC communicate their request for the holding of a religious service to the District Officer and those residing in South Cyprus communicate their request to UNFIC YP. In both cases these requests are then conveyed to the Ministry of Foreign Affairs of the TRNC.

As regards the ceremony on 31 May 2014 at the Maronite St. Antonis Chapel in Degirmenlik/Kythrea, it should be acknowledged that no application was conveyed to the TRNC Ministry of Foreign Affairs through the District Officer or UNFICYP. As the said ceremony was conducted without adhering to the customary application procedure required for the holding of a religious service, the Turkish Cypriot police officers had no other option but to request the mass to be completed in the shortest possible time, but to no avail. Therefore, the police suggested the ending of the ceremony at St. Antonis Chapel and for the service to be conducted at the village of Koru5am/Kormakitis where the Maronites reside.

However, following the fulfillment of the established application procedure, a religious ceremony at the Maronite St. Antonis Chapel was conducted on 9 July for the first time. The said ceremony which was led by Youssef Soueif, the Archbishop of the Maronites, took place without hindrance.

It is therefore unfortunate that this event is being used in order to downplay the good-will shown by the Turkish Cypriot side towards the Maronites and the Greek Cypriots to conduct liturgies in churches and monasteries situated in the Turkish Republic of Northern Cyprus.

Despite the good-will displayed by the Turkish Cypriot side on the issue of religious freedom, it should be noted that the Greek Cypriot side is continuing its restrictive policies. The Greek Cypriot side did not allow the crossing of Vadili village residents through the Beyarmudu crossing point to visit Hala Sultan Mosque during the Bayram Holiday (Eid) on 5-6 October 2014 for prayers. The village residents were instead diverted to Metehan crossing point in Nicosia, causing unnecessary hardship and ultimately dissuading them from visiting the holy site to carry out their religious practice.

Concerning the references to geographical places in Paragraph 38 and Paragraph 40 solely with their Greek names, I would like to stress that Cyprus is the common home of both the Turkish Cypriot people and the Greek Cypriot people where a great number of locations enjoy both Turkish and Greek names. Therefore, references to such places without indication of their Turkish names are unacceptable. In this case, the Turkish names should be indicated for the sake of consistency, similar to the approach followed in Paragraph 41.

I would like to take this opportunity to emphasize that the Turkish Cypriot side reiterates its strong commitment to continue its efforts for promoting human rights in North Cyprus.

I hope and trust that in the interest of reflecting a more objective and balanced account of the situation vis-a-vis the issue of human rights in Cyprus, the views and observations of the Turkish Cypriot side will be duly taken into consideration and would be reflected accordingly in future Reports of the Human Rights Council.

(*Signed*) Özdil Nami

Minister of Foreign Affairs

United Nations A/HRC/28/G/17

General Assembly

Distr.: General
31 March 2015

Original: English

Human Rights Council
Twenty-eighth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Note verbale dated 26 March 2015 from the Permanent Mission of Greece to the United Nations Office at Geneva and other international organizations in Switzerland addressed to the Office of the United Nations High Commissioner for Human Rights

The Permanent Mission of Greece to the United Nations Office at Geneva and other international organizations in Switzerland presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and has the honour to provide herewith the comments of the Government of Greece in relation to the written statement submitted by the "Federation of Western Thrace Turks in Europe", a non-governmental organization in special consultative status (A/HRC/28/NGO/90), submitted to the Human Rights Council at its twenty-eighth session under agenda item 3 (see annex).

The Permanent Mission of Greece kindly requests the Office of the High Commissioner to circulate the present note verbale and the text attached thereto* as a document, of the twenty-eighth session of the Human Rights Council under agenda item 3.

* Reproduced as received, in the language of submission only.

GE.15-06747 (E)
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Annex

[English only]

With regard to Document A/HRC/28/NGO/90, we would like to underline the following: Law 4310/2014 isn't affecting either the teaching language, or the studies' programs or the schoolbooks. The upgrading of the teaching personnel of the minority program is the only and exclusive aim of this legislation, through a new hiring process that includes a competitive test, as it is the case for all Greek teachers since 1998.

Despite its dire economic situation, Greece spares no effort for the smooth operation of the minority education; just to mention that only in 2013 we have spent over 18 million Euros for the functioning of minority schools in Thrace. It goes without saying that the investment of respective amounts of money especially in this juncture requires reforms for the rationalization and their efficient use to the benefit of minority students.

We need to stress that the payroll of minority teachers has always been funded by the Greek budget and not by the minority itself, as it is the case in some other countries. Today, in Thrace 146 minority schools, 2 minority high schools and 2 Koranic schools are operating with the financial support of the Greek State, without which, it would have been highly unlikely for the minority to sustain their functioning.

Law 694/1977 fully protects the educational autonomy of minority schools in Thrace. The administrative changes that Law 4310/2014 brought aim at the removal of barriers in order for the teachers to be swiftly incorporated in the classroom. It is worth noting that the same organizations that now criticize the replacement of the Minority Education Coordinator by the Head of Office of Minority Education, they were complaining for the creation of the very same Coordinator post in the past.

Religious freedom and respect of the Islamic religion is secured not only in minority schools but also in public schools across Thrace, given that the teaching of the Quran is offered as an optional course to Muslim students attending public schools. The same NGO, that claims to be a representative one, has in the past strongly protested for this possibility offered to Muslim students. In this field again, Greece has paved the way without expecting any reciprocity.

Additionally, it is to be highlighted that Law 4310/2014 has been adopted after prior consultation with Minority Teachers' Associations and they have all been briefed accordingly. Moreover, the draft law has been put in public consultation, as it is of rule for every single legislative proposal. The Rodopi Teacher's Association has congratulated the Ministry for satisfying long standing demands of the teaching community. With the creation of the Post-Graduate Specialisation School for Minority Program, the Greek State offers teachers the opportunity to benefit from gratis vocational training on the teaching language of the minority schooling scheme.

Thus, the Greek State reserves to the teachers, who belong to the Muslim minority, a beneficial status; pursuant to the present amendment, Muslim teachers are entitled to positioning in whatever public schools across the country, while they reserve their exclusive right to teach within the minority program of the minority scheme. Pedagogically and scientifically-wise, an additional year of studies is sufficient for the Muslim teachers to acquire the necessary skills to instruct Muslim students - provided that the former's mother tongue is Turkish.

Finally, my Government considers that for a tangible reform forward in the field of education to make a difference, it should enhance the status of the teachers; this is why

Greece created two school counselor positions with special regard to the minority education scheme, as well as a special program for the vocational training and the skills' development of Muslim teachers.

United Nations A/HRC/28/G/18

General Assembly

Distr.: General
8 April 2015

Original: English

Human Rights Council
Twenty-eighth session
Agenda item 9
Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up to and implementation of the Durban Declaration and Programme of Action

Note verbale dated 30 March 2015 from the Permanent Mission of the Russian Federation to the United Nations Office and other international organizations in Geneva addressed to the secretariat of the Human Rights Council

The Permanent Mission of the Russian Federation to the United Nations Office and other international organizations in Geneva presents its compliments to the secretariat of the Human Rights Council and has the honour to enclose herewith the joint statement by the delegations of Armenia, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan and Uzbekistan.

The Permanent Mission requests that the joint statement be published as a document of the twenty-eighth session of the Human Rights Council, under agenda item 9, in all official languages of the United Nations.

GE.15-07415 (E) 230415 230415

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Annex

[Original: Russian]

Joint statement at the twenty-eighth session of the Human Rights Council by the delegations of the Republic of Azerbaijan, the Republic of Armenia, the Republic of Belarus, the Republic of Kazakhstan, the Kyrgyz Republic, the Russian Federation, the Republic of Uzbekistan and the Republic of Tajikistan on the seventieth anniversary of the victory in the Great Patriotic War

Seven decades have passed since the historic victory in the Great Patriotic War, 1941–1945. The ninth of May, which we celebrate with tears in our eyes, embodies the enduring feat of peoples who defended their homelands. This day will forever remain a symbol of their selflessness and heroism in the defence of freedom and human dignity, of the right to determine one's fate. Our peoples made a colossal and decisive contribution to the crushing defeat of Nazism and the salvation of all of Europe from the plague of fascism.

Untold suffering and destruction was wrought by the Second World War: one of the most awful tragedies ever to befall the peoples of the world, it lasted six and a half years, taking tens of thousands of human lives. The peoples of our countries bore the greatest human and material losses in this war.

We mourn all those who perished while fighting Nazism on the battlefields, martyred in the concentration camps and Nazi torture chambers or as victims of the Holocaust. We call for the preservation of the sacred memory of those who died while fighting Nazism.

The courage of the peoples of Europe and of the entire world who, side by side with us, stood up to Nazism, is highly valued; we are mindful of how much our allies in the anti-Hitler coalition did to assist in gaining our shared victory.

Yet it is with growing anxiety that we are observing cynical attempts to consign the lessons of the war to oblivion, to make twisted moral and legal judgements about the war, to blur the distinction between victim and executioner, to besmirch the sacred memory of the fallen, to rehabilitate Nazi criminals and collaborationists and to resurrect theories of racial and ethnic superiority.

We call upon the countries and peoples of the world to strenuously oppose these attempts to glorify the Nazi movement, revive fascist ideology and spread xenophobia and racism.

We have become wary, based on our historical experience, of theories about the superiority of one nation over others. We reject any intolerance, discrimination, extremism or enmity grounded in ethnicity, race or religion. We are staunchly committed to fighting these threats and roundly condemn any attempts at condoning them.

We are deeply convinced that these phenomena must be extirpated; that neither political aims nor short-term advantages justify turning a blind eye to them. This is the lesson we have learned from our tragic experience of the past.

It is our shared duty not to allow a new tragedy to occur; to save future generations from threats to peace and security. And this will be the best tribute to the memory of those who won the fight for peace, freedom, democracy and human dignity, the best way to honour the victims of the Second World War.

United Nations A/HRC/28/G/19

General Assembly

Distr.: General
9 April 2015

Original: English

Human Rights Council
Twenty-eighth session
Agenda item 10
Technical assistance and capacity-building

Note verbale dated 1 April 2015 from the Permanent Mission of Japan to the United Nations Office and other international organizations in Geneva addressed to the Office of the United Nations High Commissioner for Human Rights

The Permanent Mission of Japan to the International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and has the honour to provide herewith the comments of the Government of Japan in relation to the statement made by the delegation of the Russian Federation on 25 March 2015, in its right of reply under item 10, during the twenty-eighth session of the Human Rights Council.

The Permanent Mission of Japan kindly requests the Office of the High Commissioner to circulate the present note verbale and the annex thereto* as a document of the twenty-eighth session of the Human Rights Council under agenda item 10.

* Reproduced as received, in the language of submission only.

GE.15-07422 (E)
1507422

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Annex

[English only]

Statement of the Government of Japan in relation to the statement made by the delegation of the Russian Federation in its right of reply under item 10 of the twenty-eighth session of the Human Rights Council

This statement refers to the statement made by the Delegation of the Russian Federation in its right of reply under item 10 of the twenty-eighth session of the Human Rights Council on March 25, 2015, which quoted a statement made by Mr. Yukio Hatoyama, former Prime Minister of Japan, regarding the situation in Crimea.

Mr. Hatoyama recently visited Crimea in his personal capacity, and the remarks he made there are utterly different from the position of the Government of Japan. The Government of Japan has expressed that his acts and remarks during his stay in Crimea were imprudent and regrettable. The Government of Japan emphasizes that there has been no change in its position regarding the current situation in Crimea.